

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES EDWARD MCCARTHY, et al.,

Plaintiffs,

- against -

BERNARD STOLLMAN and ESP-DISK,
Defendants.

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DEBORAH A. BATTS, United States District Judge.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: July 31, 2008

06 Civ. 2613 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

This matter is before the Court upon the June 25, 2008
Report and Recommendation ("Report") of United States Magistrate
Judge Debra Freeman.

According to 28 U.S.C. § 636(b)(1)(C), "[w]ithin ten days
after being served with a copy, any party may serve and file
written objections to such proposed findings and
recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R.
Civ. P. Rule 72(b) (stating that "[w]ithin 10 days after being
served with a copy of the recommended disposition, a party may
serve and file specific, written objections to the proposed
findings and recommendations"). No objections to said Report and
Recommendation have been filed.

Having reviewed the Report and Recommendation, and finding
no clear error on the face of the record, see 28 U.S.C. §
636(b)(1)(B), it is hereby

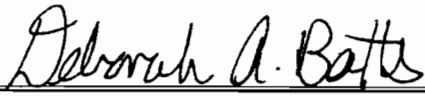
ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge Debra Freeman, dated June 25, 2008, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. The Defendants' Motion for Summary Judgment, entered on the docket as Document 29, is hereby DENIED without prejudice to renew, upon proper filing.

SO ORDERED.

DATED: New York, New York
July 31, 2008
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Deborah A. Batts
United States District Judge